

Remarks

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks. Applicants note that the amendments are supported by the application in general, and thus, no new matter has been added to the claims.

In the Decision issued February 5, 2008 by the Board of Patent Appeals and Interferences, in the first full paragraph on page 6 thereof, the Board states that the Examiner has made clear that the aspect of Miskel that makes obvious the instant claims is “the Miskel composition before cooling and/or drying, that is, before . . . a rigid gel may be formed”. The Board further states that Miskel’s capsules, after they have been filled and before the matrix has set, reasonably appear to comprise a homogenized medicinal liquid, comprising a dietary fiber, in the form of a suspension.

However, each of the independent claims, i.e. claims 1, 19 and 20, has now been amended to recite that the soft capsule is a finished product. On the other hand, the finished product of Miskel is the capsules after the matrix has set, i.e. after the rigid gel has been formed. Accordingly, the finished product of the present invention, wherein the medicinal liquid is a suspension in liquid form, is completely different from the finished product of Miskel in which a rigid gel has been formed.

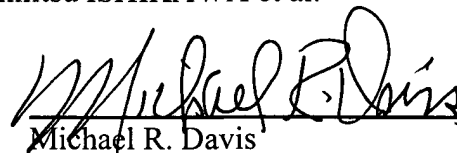
Furthermore, amended claims 1, 19 and 20 also state that the dietary fiber functions to stabilize the suspension. On the other hand, the citrus pectin (dietary fiber) of Miskel, unlike in the present invention, does not function to stabilize a suspension of a liquid type in the finished soft capsule, since the suspension including the citrus pectin has been set into a rigid gel system in the finished capsule. In addition, the present invention does not need to dry the rigid gel system to a point where the moisture in the gelatin shell is in equilibrium with the gel-lattice fill matrix.

For these reasons, Applicants take the position that the presently claimed invention is clearly patentable over the applied references, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

Toshimitsu ISHIKAWA et al.

By:

A handwritten signature in black ink, appearing to read "Michael R. Davis", is written over a horizontal line.

Michael R. Davis

Registration No. 25,134

Attorney for Applicants

MRD/pth
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
April 7, 2008